

This bill requires DOC to establish a "risk assessment system" to determine how likely a person on probation is to commit another offense. The bill requires DOC to categorize the person who is on probation for committing a misdemeanor according to his or her risk. Under the bill, DOC may not supervise a person who is on probation for committing a misdemeanor unless one of the following applies: 1) the person is at a high level of risk; 2) the person is required to register as a sex offender; 3) the person had been charged with a felony for the conduct that resulted in the misdemeanor conviction; or 4) the person has ever committed a crime against the life or bodily security of another person, a domestic violence offense, a burglary of a home, a crime involving a weapon, or certain serious drug offenses.

***** ANALYSIS FROM -1418/P5 *****

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Under current law, DOC and DHS provide substance abuse treatment programs for prison inmates within certain designated correctional or mental health facilities. If DOC determines that an inmate has successfully completed a substance abuse treatment program, the inmate is released early to parole or extended supervision. As is the case under DOC's Challenge Incarceration Program (described below), inmates convicted of certain violent crimes or certain offenses against children are not eligible for early release under this program. Inmates who

are sentenced under the "Truth in Sentencing" law are eligible only if the court authorizes their participation. This bill authorizes DOC to provide rehabilitative programs that do not necessarily include substance abuse treatment within a correctional facility for inmates who may be eligible for early release. The bill eliminates administration by DHS of substance abuse programs and allows an inmate to qualify for early release if DOC determines that the inmate successfully completed a rehabilitation program.

DOC operates the Challenge Incarceration Program for adults who opt to participate in the program. Participants must be no more than 40 years old and have a substance abuse problem. A participant is required to perform strenuous physical exercise and manual labor and participate in counseling, substance abuse treatment, and military drill and ceremony programs. A person who successfully completes the program is released to parole or extended supervision, regardless of how much of his or her sentence the person has served.

This bill allows an inmate who does not have a substance abuse problem, but is otherwise eligible, to participate in the Challenge Incarceration Program. The bill requires DOC to assess each inmate who volunteers to participate in the program to determine if he or she has a substance abuse problem that requires an intensive level of treatment, a substance abuse problem that does not require intensive treatment

and is not directly related to the inmate's criminal behavior, or another treatment need that is not related to substance abuse and that is directly related to the inmate's criminal behavior. The bill requires DOC to provide appropriate treatment and education, based on its assessment of a participant's treatment needs, to each participant in the Challenge Incarceration Program.

***** ANALYSIS FROM -1648/P5 *****

CORRECTIONAL SYSTEM

This bill increases a DOC appropriation for general program operations by ~~\$10,500,000~~ for fiscal year 2008-09.

***** ANALYSIS FROM -0357/3 *****

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC is required to allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes. Currently, those assessments include assessments of \$268 for care in a juvenile correctional facility or a treatment facility, \$296 for care in a residential care center for children and youth, \$170 for care in a group home, \$74 for care in a foster home, \$145 for care in a treatment foster home, \$101 for corrective

sanctions services, and \$37 for aftercare services. This bill changes those assessments for fiscal year 2009-10 to \$270 for care in a juvenile correctional facility or a treatment facility, \$294 for care in a residential care center for children and youth, \$190 for care in a group home, \$72 for care in a foster home, \$126 for care in a treatment foster home, \$101 for corrective sanctions services, and \$40 for aftercare services; and for fiscal year 2010-11 to \$275 for care in a juvenile correctional facility or a treatment facility, \$309 for care in a residential care center for children and youth, \$200 for care in a group home, \$75 for care in a foster home, \$132 for care in a treatment foster home, \$103 for corrective sanctions services, and \$41 for aftercare services by law. This bill increases most of these assessments.

*** ANALYSIS FROM -1494/2 ***

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law, sum certain amounts are appropriated to DOC for juvenile correctional services, juvenile residential aftercare services, and juvenile corrective sanctions services. This bill provides that, if there is a deficit in the juvenile correctional services appropriation account at the close of fiscal year 2008-09, any unencumbered balances in the juvenile residential aftercare services and juvenile corrective sanctions services appropriation accounts at the close of that fiscal year,

up to the amount of the deficit, are transferred to the juvenile correctional services appropriation account.

***** ANALYSIS FROM -0443/1 *****

COURTS AND PROCEDURE

CIRCUIT COURTS

Currently, the state reimburses counties for the actual expenses paid to interpreters ^{used by the} required by circuit courts, which includes the payment of mileage at the rate of 20 cents per mile going and returning from an interpreter's residence. This bill raises the mileage reimbursement rate to that paid for state employee travel, ^{currently} which is 48.5 cents per mile. ^{from 20 cents per mile}

***** ANALYSIS FROM -0442/1 *****

COURTS AND PROCEDURE

CIRCUIT COURTS

Currently, the director of state courts reimburses counties for the actual expenses ^{paid to} of interpreters used by the circuit courts in that county. Interpreters are reimbursed for their travel expenses and are paid a set hourly fee based on their qualifications.

This bill allows the director of state courts to establish a two-year pilot program in the seventh judicial administrative district (Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Monroe, Pepin, Pierce, Richland, Trempealeau, and Vernon counties) under which the director of state courts may establish a schedule of

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payments and make payments to court interpreters who provide court interpretative

services for the circuit courts in those counties.

*based on a schedule
the director created.*

***** ANALYSIS FROM -1283/P2 *****

COURTS AND PROCEDURE

CIRCUIT COURTS

stays in
Under current law, when a person is found guilty of a misdemeanor that the person commits before he or she was 21, the sentencing court may order that the record of the conviction be expunged when the person completes his or her sentence. The court must find that expungement would benefit the person and not harm society and the person may not commit another crime or have his or her probation revoked in order to be eligible for expungement.

Under this bill, a person is eligible to have his or her record of a conviction expunged if the conviction is for a misdemeanor or a nonviolent Class H or Class I felony that was committed before the person reached the age of 25 and the other current requirements for expungement are met.

***** ANALYSIS FROM -1308/1 *****

COURTS AND PROCEDURE

CIRCUIT COURTS

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Under current law, no person who is qualified and able to serve as a juror may be excluded from that service *based on* on the basis of marital status. This bill prohibits *based* exclusion from jury service *based* on the basis of domestic partnership status.

OTHER COURTS AND PROCEDURE

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This bill defines a "surviving domestic partner" as a person who was the domestic partner, *as defined in this bill,* of the decedent at the time of the decedent's death, and mirrors the

definition of "surviving spouse" by excluding a person who was the domestic partner of the decedent and who sought a termination of the domestic partnership, if the secretary failed to issue a valid certificate of termination for the domestic partnership, unless the person and the decedent subsequently registered as domestic partners or held themselves out as domestic partners. The bill further excludes from the definition of surviving domestic partner persons who were the domestic partner of the decedent but have subsequently married a third person or have registered a domestic partnership with a third person, or a person who was a party to a proceeding that concluded with an order terminating the person's property rights based on the domestic partnership.

provides
This bill establishes that in probate cases, the following rights for the surviving domestic partner of a decedent are equivalent to the rights of a surviving spouse:

1. The surviving domestic partner of a decedent who dies intestate is entitled to inherit all of the decedent's estate unless the decedent had children that were not also the children of the surviving domestic partner, in which case the surviving domestic partner receives half of the intestate estate.

2. A surviving domestic partner may petition the court for the full property interest the decedent had in a home, subject to payment to the estate of the value of that interest the surviving domestic partner is not entitled to under a governing instrument or under intestacy, within one year from the decedent's death.

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3. If a decedent executed his or her will before the registration of the domestic partnership, the surviving domestic partner is entitled to a share of the decedent's estate equivalent to what the share would be if the decedent died intestate, subject to certain reductions, unless the will was executed in contemplation of the domestic partnership or was intended to apply notwithstanding the decedent subsequently entering into a domestic partnership.

4. A surviving domestic partner may petition the probate court for an allowance for support, limited by court-ordered charge, but the court may order that sum be charged against interest or principal from the estate to which the surviving domestic partner is entitled and the court may apply that allowance against amounts owed for assuming the decedent's full interest in a home. The court may distribute a special allowance for support of the surviving domestic partner even if the distribution of such an allowance would harm the interests of a creditor, after performing a balancing test of the needs of the surviving domestic partner versus the needs of the creditor.

5. A surviving domestic partner may select from the estate certain personal and household items and may be entitled to household items necessary for the maintenance of the home, notwithstanding that those items were bequeathed to another heir.

6. A surviving domestic partner may petition the court to set aside an amount for his or her support of up to \$10,000 in value that will be exempt from the claims of the estate's creditors.

7. If the value of the decedent's estate, less the amounts of debt secured by property of the estate, does not exceed \$50,000, a surviving domestic partner may settle the estate under summary procedures without the need to appoint a personal representative of the estate.

Under current law, a court reviewing a settlement or monetary judgment for the plaintiff in a wrongful death action may set aside an amount of up to 50 percent of the net settlement or judgment, after deducting collection costs, for the support of the decedent's surviving spouse or minor children. Current law permits a surviving spouse or other relatives allowed to bring a wrongful death action and to satisfy and discharge the claims of the estate in settling the wrongful death claims of the surviving spouse or other relative. This bill allows the decedent's surviving domestic partner to file an action for wrongful death, to petition the court to set aside amounts

of up to 50 percent of the net settlement or judgment of the wrongful death claims for the support of the domestic partner, and to discharge the claims of the estate in settling the domestic partner's wrongful death claims.

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Under current law, a person has the right to evoke the spousal privilege and prevent the person's current or former spouse from testifying about private communications between the spouses or former spouses, subject to certain exclusions. *Under* This bill, *may not* allows a person to prevent the person's current or former domestic partners from testifying about private communications between the domestic partners or former domestic partners, subject to the same exclusions.

***** ANALYSIS FROM -1285/P3 *****
COURTS AND PROCEDURE

CIRCUIT COURTS

Under current law, with a few exceptions, a person who filed a civil action, an action in small claims court, or a wage garnishment action or against whom a civil forfeiture is assessed pays a \$12 justice information surcharge. Of that amount, \$6 is credited to the consolidated court automation program (CCAP), \$5 is credited to the automated justice information system, and \$1 remains in the general fund. Additionally, under current law, moneys are appropriated from general purpose revenues and credited to DOA for assistance to indigent civil litigants.

This bill increases the justice information surcharge to \$18. Under the bill, \$6 is credited to CCAP, \$7.50 is credited to the automated justice information system, \$1.50 is credited to the Office of Justice Assistance for statistical gathering and analyses, \$2 is credited to DOA for assistance to indigent civil litigants, replacing the appropriation from general purpose revenues, and \$1 remains in the general fund.

***** ANALYSIS FROM -0453/P1 *****

COURTS AND PROCEDURE

DISTRICT ATTORNEYS

This bill requires the Office of Justice Assistance (OJA) to fund 1.0 assistant district attorney position in St. Croix County and 0.25 assistant district attorney position in Chippewa County. The bill also requires DOJ to fund 1.0 assistant district attorney position to prosecute drug crimes in St. Croix County.

Additionally, the bill requires DOA to allocate funds from OJA and DOJ appropriations to fund 2.0 assistant district attorney positions in Milwaukee County and 0.75 assistant district attorney position in Dane County to prosecute drug crimes.

***** ANALYSIS FROM -0120/P3 *****

PUBLIC DEFENDER

Under current law, the State Public Defender (SPD) provides legal representation to indigent defendants in criminal cases, to children and youth in protective services and delinquency cases, and to persons in certain civil

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commitment and paternity proceedings. In both criminal and civil proceedings, persons must disclose certain materials under a process known as discovery. Current law specifies that if a person charges the SPD a fee for copying materials that are subject to discovery in criminal and certain civil commitment cases, the fee may not exceed the actual, necessary, and direct cost of providing the copies. Current law also requires DHS to establish maximum charges that health care providers may charge for copies of patient health care records.

This bill requires the Public Defender Board (board) to establish by rule maximum fees that the SPD may pay for copies of materials that are subject to discovery. In promulgating the rule, the board must consider information regarding the actual, necessary, and direct cost of producing copies of discoverable materials. Finally, the bill provides that if a person charges the SPD a fee for copies of discoverable materials, the fee may not exceed the applicable maximum fee for copies that is established in the rule.

and prohibits persons from charging the SPD more than the fees established by rule.

*** ANALYSIS FROM -1250/2 ***

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

Under current law, when a person is convicted of a crime or if a person was charged with a crime but the criminal charge was amended to a civil offense and a court finds that the person committed the civil offense, the person pays a crime victim

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and witness assistance surcharge. The surcharge is \$85 for each felony charge and \$60 for each misdemeanor charge; current law splits the surcharge into two parts. For each felony surcharge, \$65 is used to provide compensation for crime victims and \$20 is used to provide grants to organizations that provide services for sexual assault victims. For each misdemeanor surcharge, \$40 is used to provide compensation for crime victims and \$20 is used to provide grants to organizations that provide services for sexual assault victims.

This bill increases the crime victim and witness assistance surcharge to \$90 for each felony charge and \$65 for each misdemeanor charge. Under the bill, \$20 of each surcharge is used to provide grants to organizations that provide services for sexual assault victims and \$5 is added to the amount currently used to provide compensation for crime victims.

*** ANALYSIS FROM -1862/2 ***
EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill directs DPI to use a portion of the federal funds received by the state pursuant to the American Recovery and Reinvestment Act of 2009, as determined by the secretary of administration, to make state aid payments to schools in June 2009 and in the 2009-10 and 2010-11 fiscal years. The bill lapses to the general fund \$133,000,000 in state school aids in the 2008-09 fiscal year.

*** ANALYSIS FROM -1795/2 ***

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EDUCATION**PRIMARY AND SECONDARY EDUCATION**PG *
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Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. Several exceptions are provided. For example, if a school district increases the services that it provides by adding responsibility for providing a service transferred to it from another governmental unit, its revenue limit is increased by the cost of that service.

This bill provides revenue limit adjustments for the costs of school safety equipment and the compensation costs of security officers, for the costs of employing school nurses, and for pupil transportation costs.

***** ANALYSIS FROM -1796/3 *******EDUCATION****PRIMARY AND SECONDARY EDUCATION**

For the purpose of determining a school district's revenue limit, this bill includes in the school district's state aid amount all federal economic stimulus funds ^{money} received by the school district, pursuant to federal legislation enacted by the 111th Congress, ^{under the American Recovery and Reinvestment Act of 2009} that are intended to carry out the federal Individuals with Disabilities Education Act or that portion of the federal Elementary and Secondary Education Act relating to improving basic education programs, or that are provided to restore

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the state's support for elementary and secondary education to the level provided in the 2007-08 fiscal year.

***** ANALYSIS FROM -1643/4 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill authorizes DOA to exempt a school district from its revenue limit for four years, and to extend an exemption for additional four-year periods, under certain circumstances. The school board must submit a plan to DOA in which it agrees to do all of the following:

1. For certain school districts, enroll school district employees in the state employee health plan.
2. Depending on the number of school district employees, participate in collective bargaining units for school district professional employees that are comprised of at least three, four, or five school districts or encompass a specified number of employees.
3. Implement a teacher compensation system aligned with DPI's administrative rules relating to teacher licensure, as determined by DOA. For example, the system must ensure that no teacher's salary is reduced as a result of the implementation of the system and that pupil compensation increase^s for teachers

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are based on teacher performance and schoolwide gains in pupil academic achievement.

4. Implement school improvement strategies.

*** ANALYSIS FROM -0432/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law limits the amount that each school district can increase per pupil revenue over the per pupil revenue of the prior school year. This limit does not apply to school districts in which the amount of per pupil revenue is less than a statutory revenue ceiling, currently set at \$9,000.

(w/ff) This bill increases the per pupil revenue ceiling to \$9,400 for the 2009-10 school year and to \$9,800 for any subsequent school year.

*** ANALYSIS FROM -1359/2 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill clarifies the correct method for calculating the revenue limit of a consolidated school district.

*** ANALYSIS FROM -1388/P1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, the members of the school boards of consolidating school districts serve as a joint interim school board of the new school district until the election of members to the school board of the new school district. This bill clarifies

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that a member of the school board of one of the consolidating school districts who has been newly elected to the school board of the new school district ^{may} to continue to serve on the school board of the consolidating school district after the election of the new school district board members and until the effective date of the consolidation.

*** ANALYSIS FROM -1402/P3 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill makes changes to the laws governing the Milwaukee Parental Choice Program (MPCP), under which a pupil who resides in the city of Milwaukee may attend a private school at state expense under certain conditions.

Under current law, a private school participating in the MPCP must achieve accreditation by an accrediting organization or association by December 31 of the third school year following the first school year in which it participates in the MPCP. This bill requires the private school to attain accreditation by August 1 of the school year in which the school first participates in the MPCP.

Beginning in the 2011-12 school year, this bill directs each private school participating in the MPCP to ensure that every teacher and administrator at the private school has at least a bachelor's degree from an accredited institution of higher education. ^{at private schools participating in the MPCP} Currently, teachers are required to have graduated from high school or to have been granted a declaration of equivalency of high school graduation.

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Under current law, a school board must schedule at least 1,050 hours of direct pupil instruction in grades one to six and at least 1,137 hours of direct pupil instruction in grades seven to twelve. This bill requires private schools participating in the MPCP to comply with these requirements.

Under current law, enrollment in the MPCP is capped at 22,500 pupils. ~~In the event that~~ ^{If} the enrollment cap is reached, ~~the state superintendent~~ ^{DPI} must issue an order prohibiting the enrollment of additional pupils to the MPCP until the number of pupils falls below 22,500. This bill provides that, if the number of pupils enrolled in the program falls below 22,500, participating private schools may admit additional pupils under the program but must give first priority to returning MPCP pupils, second priority to siblings of enrolled MPCP pupils, and third priority to pupils selected at random under a procedure established by DPI by rule.

Current law requires each private school participating in the MPCP to administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the fourth, eighth, and tenth grades. This bill requires each private school participating in the MPCP to administer the examinations adopted or approved by DPI.

Current law requires each school board to adopt either its own academic standards or the academic standards contained in the governor's executive order

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issued on January 13, 1998. Identical provisions exist under current law for independent charter schools. This bill requires the governing body of each private school participating in the MPCP to adopt academic standards.

Under current law, each school board ^{and the operator of each independent charter school} must administer ^{a standardized reading test developed by DPI} to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than independent charter schools) located in the school district, a standardized reading test developed by DPI. The independent charter schools are required to administer this test to their third grade pupils. ^{This bill requires} Private schools participating in the MPCP ^{are not required} to administer this test. ^{This bill imposes} this requirement on these private schools.

The federal No Child Left Behind Act requires public school assessments in reading and mathematics in each of grades three to eight and at least once in grades ten to twelve; and in science at least once in grades three to five, six to nine, and ten to twelve. This bill imposes ^{these} ^s this requirement on private schools participating in the MPCP for pupils attending the schools under the MPCP.

Under current law, each school board and the operator of each independent charter school must develop written policies specifying criteria for granting a high school diploma. Neither a school board nor the operator of an independent charter school may grant a high school diploma to any pupil unless the pupil has satisfied

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the criteria. Similarly, each school board and each independent charter school must adopt policies specifying criteria for promoting a pupil from the fourth grade to the fifth grade and from the eighth grade to the ninth grade. A pupil may not be promoted unless he or she satisfies the promotion criteria. This bill imposes upon private schools participating in the MPCP the same prohibitions against graduation and promotion (for pupils attending the private school under the MPCP) that are imposed upon school boards and independent charter schools.

The bill also requires the private school to issue a high school diploma or certificate to each pupil attending the school under the MPCP who satisfies all of the requirements necessary for high school graduation.

The bill requires a private school participating in the MPCP to maintain progress records for each pupil attending the school under the MPCP while the pupil attends the school and for at least five years thereafter. Progress records include the

courses a pupil took, the pupil's grades, the pupil's attendance record, the pupil's immunization record, and records of the pupil's extracurricular activities. The bill

requires the private school to provide a copy of the records to the pupil or the pupil's parent or guardian upon request and, if the school closes, to transfer the records to the Milwaukee Public Schools. The bill also requires the private school to issue a

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high school diploma or certificate to each pupil attending the school under the MPCP who satisfies all of the requirements necessary for high school graduation.

Current law requires a school district to transfer to another school or school district, within five working days, all pupil records relating to a specific pupil if the transferring school district has received notice from the pupil (if he or she is adult), from the pupil's parent or guardian (if the pupil is a minor), or from the other school or school district that the pupil intends to enroll or has enrolled in the other school or school district. This bill makes this requirement applicable to the private schools participating in the MPCP.

The bill also requires each MPCP school to provide each applicant to the school with all of the following: (1) a list of the names, addresses, and telephone numbers of the members of the governing body of the school; (2) a notice stating whether the school is an organization run for profit or not for profit, and, if the school is ~~run not~~ ^{non} for profit, proof of its federal tax-exempt status; (3) a copy of the appeals process used if the school rejects an applicant for admission; (4) a statement that the school agrees to be subject to the open meetings and open records requirements applicable to public bodies; (5) graduation requirements; (6) a copy of the non-harassment policy and procedures used by the school; (7) suspension and expulsion policies and procedures; and (8) policies for accepting or denying the transfer of credits for coursework

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completed by pupils at other schools. In addition, upon request of any person, the school must provide to that person the information above, as well as the number of pupils enrolled in the private school in the previous school year; the number of pupils enrolled in the private school under ^{the} MPCP in the previous school year; pupil scores on standardized tests administered in the previous school year; a copy of the academic standards adopted by the private school; the number of pupils who have graduated from the private school in every year in which the private school has participated in the MPCP; and the rates of promotion of 4th and 8th grade pupils enrolled in the private school.

***** ANALYSIS FROM -1103/2 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under the Milwaukee Parental Choice Program (MPCP), the state pays for certain pupils to attend private schools located in the city of Milwaukee. A private school participating in the MPCP in any school year must submit an independent financial audit and evidence of sound fiscal practices to DPI by the following September 1.

This bill requires each private school that applies to participate in the MPCP to pay to DPI a nonrefundable fee each year in an amount determined by DPI. DPI

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must use the fees to evaluate the financial audits and evidence of sound fiscal practices submitted to DPI by participating private schools.

*** ANALYSIS FROM -1623/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under the current school aid formula, the state establishes a guaranteed tax base, known as the guaranteed valuation. The rate at which a school district's costs are aided through the formula is determined by comparing the school district's per pupil tax base (or equalized valuation) to the guaranteed valuation. State aid is provided to make up the difference between the school district's actual tax base and that state guaranteed level. A school district's guaranteed valuation is determined by multiplying the guaranteed valuation per pupil (set by statute) by the district's enrollment.

This bill provides that for a ~~1st class city school district~~ (currently, only the ~~Milwaukee Public Schools~~), ^{mPS} the guaranteed valuation is determined by multiplying the valuation per member by the district's enrollment plus 50 percent of the number of pupils attending a private school under the ~~Milwaukee Parental Choice Program~~. ^{mPCP}
The 50 percent figure is phased in over a five-year period.

*** ANALYSIS FROM -1798/1 ***

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This bill directs the Legislative Reference Bureau, at the direction of the secretary of administration, to prepare a bill for introduction during the 2009 legislative session that addresses the findings of a review of the finances and operations of the Milwaukee Public Schools^{mPS} conducted at the request of the governor and the mayor of Milwaukee.

***** ANALYSIS FROM -1400/3 *******EDUCATION****PRIMARY AND SECONDARY EDUCATION**

This bill changes the funding source for pupil transportation aid from the general fund to the transportation fund.

***** ANALYSIS FROM -1026/2 *******EDUCATION****PRIMARY AND SECONDARY EDUCATION**

Currently, state aid to public library systems is funded using both general purpose revenue and revenue in the universal service fund. The universal service fund consists of moneys that are required to be contributed by certain telecommunications providers. The fund is used for promoting universal telecommunications service and for other specified purposes. This bill funds public library aid exclusively from the universal service fund.

Current law directs DPI to contract with the public library in the city of Milwaukee to provide library services to physically handicapped persons and to

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contract for services with libraries to serve as resources of specialized library materials and information not available in DPI's reference and loan library. The cost of these contracts is paid with general purpose revenue. Under this bill, the cost of these contracts is paid from the universal service fund.

***** ANALYSIS FROM -1659/3 *******EDUCATION****OTHER**

This bill pays state aid to public library systems in the 2008-09 fiscal year with moneys in the universal service fund instead of moneys in the general fund.

***** ANALYSIS FROM -0426/3 *******EDUCATION****PRIMARY AND SECONDARY EDUCATION**

This bill directs DPI to award grants to school districts or cooperative educational service agencies, acting in conjunction with tribal education authorities, to support innovative, effective instruction in one or more American Indian languages. The grants are funded with Indian gaming receipts.

***** ANALYSIS FROM -1431/P1 *******EDUCATION****PRIMARY AND SECONDARY EDUCATION**

Under current law, DPI may award grants to nonprofit organizations to support adult literacy programs. No such grant may exceed \$10,000. This bill eliminates the \$10,000 limit.

***** ANALYSIS FROM -0424/2 *****

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EDUCATION**PRIMARY AND SECONDARY EDUCATION**

This bill extends DPI's authority to award annual grants to Project Lead the Way through the 2010-11 fiscal year in order to provide discounted professional development services and software to participating high schools.

***** ANALYSIS FROM -1627/P3 *******EDUCATION****HIGHER EDUCATION**

This bill allows the Board of Regents of the UW System ^{award} ~~(board)~~ to make grants to undergraduate resident students ^{who} do not receive a Wisconsin higher education grant awarded by ^{the Higher Educational Aids Board} ~~HEAB~~. The bill requires the grants to be made from the board's general program operations appropriation. The amount of a grant to a student must correspond to increases, or portions of increases, in tuition charged to the student. The bill generally prohibits the board from making a grant to a student whose name appears on a statewide docket indicating that the student is delinquent in child support.

***** ANALYSIS FROM -1619/P1 *******EDUCATION****HIGHER EDUCATION**

The bill requires the Board of Regents of the UW System to allocate \$8,198,200 of its general program operations appropriation in the 2010-11 fiscal year to support interdisciplinary research into biotechnology, nanotechnology, and information technologies that enhances human health and welfare.

***** ANALYSIS FROM -1617/P1 *******EDUCATION****HIGHER EDUCATION**

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The bill requires the Board of Regents of the UW System to allocate \$2,000,000 of its general program operations appropriation in the 2009-10 fiscal year to support the establishment of the Wisconsin Genomics Initiative.

***** ANALYSIS FROM -1392/2 *******EDUCATION****HIGHER EDUCATION**

Under current law, the Board of Regents (board) of the UW System may not, unless authorized by the legislature, create a new school that has graduate, professional, or post-baccalaureate academic programs. This bill allows the board of Regents to create the following schools at UW-Milwaukee: 1) a school of public health; and 2) a school of freshwater sciences.

***** ANALYSIS FROM -0461/P1 *******EDUCATION****HIGHER EDUCATION****University of Wisconsin System**

Under current law, the Medical College of Wisconsin (college) and the University of Wisconsin-Madison School of Medicine and Public Health (school) must submit biennial reports to the governor and JCF on specified topics, including the following: 1) Wisconsin resident enrollment numbers and percentages; 2) placement of graduates of doctor of medicine and residency training programs; and 3) financial summaries for the college and school. This bill eliminates the

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requirement for reports on the foregoing topics, but does not affect reporting on other topics required under current law.

*** ANALYSIS FROM -1666/P2 ***

EDUCATION

HIGHER EDUCATION

Under current law, the Board of Regents (board) of the UW System is allowed to create or abolish full-time equivalent (FTE) positions that are funded from a number of specified appropriations, including one appropriation that is funded with segregated fund revenues. This bill allows the ^{of Regents} board to create or abolish FTE positions that are funded from any appropriation to the board that is funded with segregated fund revenues, ~~not just the one appropriation specified under current law.~~ ^{The} This bill also makes an appropriation from the recycling and renewable energy fund to the board to support research under the Wisconsin Bioenergy Initiative.

*** ANALYSIS FROM -1292/2 ***

EDUCATION

HIGHER EDUCATION

Generally, current law allows a UW System student who has been a bona fide Wisconsin resident for the 12 months preceding the beginning of a semester or session for which the student registers to pay resident, as opposed to nonresident, tuition.

This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if he or she: 1) graduated

KDF
from a Wisconsin high school or received a declaration of equivalency of high school graduation from Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school or immediately preceding receipt of a declaration of equivalency of high school graduation; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

The bill also provides that such persons are to be considered residents of this state for purposes of admission to and payment of fees at a technical college.

current law provides that
*** ANALYSIS FROM -0467/1 ***

EDUCATION

HIGHER EDUCATION

In general, if a technical college district board wishes to make a capital expenditure exceeding \$1,000,000 or to borrow more than \$1,000,000, it must adopt a resolution to do so and submit the resolution to the electors of the district for approval. This bill raises the amount from \$1,000,000 to \$1,500,000.

*** ANALYSIS FROM -0493/P2 ***

EDUCATION

HIGHER EDUCATION

Current law requires the Wisconsin Technical College System Board (WTCS Board) to establish tuition for resident and nonresident students. For a resident

KJR
student, the WTCS Board must comply with requirements that depend on whether the student is enrolled in a liberal arts collegiate transfer program or in a postsecondary or vocational-adult program. For a nonresident student, the WTCS Board must establish tuition based on 100 percent of the statewide cost per full-time equivalent student for operating the program in which the student is enrolled.

This bill ~~changes the requirements for nonresident students. The bill~~ requires the WTCS Board to establish tuition for nonresident students based on 150 percent of the program fees that the WTCS Board is required to establish for resident students.

*** ANALYSIS FROM -0502/P2 ***

EDUCATION

HIGHER EDUCATION

award
make grants to technical college district boards (district boards) for skills training related to the needs of business. Current law prohibits the WTCS Board from
awarding
making a grant unless certain requirements are satisfied, including that the business is located in this state, has no more than 100 employees, and has no more than \$10,000,000 in gross annual income. Also, current law prohibits using a grant to pay more than 80 percent of the cost of training the spouse or child of the business owner, or to pay wages or compensate for lost revenue in connection with providing

the training. In addition, current law prohibits the WTCS Board from awarding more than \$1,000,000 in grants in a fiscal year.

This bill eliminates all of the prohibitions described above. In addition, the bill eliminates ^{the} a requirement ^{that} under current law for district boards to submit reports to

the WTCS Board on how grants are used.

*** ANALYSIS FROM -0295/3 ***

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Current law requires the Board of Regents of the UW System (Board of Regents) and each technical college district board (district board) to grant full

remission of all academic fees charged for up to 128 credits or eight semesters,

whichever is longer, to certain veterans who are residents of this state for veterans

benefits purposes and to the spouse, unremarried surviving spouse, and children

(dependents) of a veteran who was a resident of this state at the time of entry into

service and who either: 1) while a resident of this state, died on active duty, died as

the result of a service-connected disability, or died in the line of duty while on active

or inactive duty for training purposes, or 2) incurred at least a 30 percent

service-connected disability rating. In the case of a veteran enrolled in the UW

System, "academic fees" includes nonresident tuition.

KSF

Insert

-1308 HE-gm

Currently, under certain circumstances, the UW System

must provide

fees for

an eligible veteran or

or child of an eligible

(dependent). An eligible veteran is one who die

or has been awarded

This bill ^{requires} directs the Board of Regents and a district board granting a remission of academic fees to require a veteran or ~~a~~ dependent of a veteran to apply to the payment of those academic fees all educational assistance to which that person is entitled under the federal Post-9/11 Veterans Educational Assistance Act of 2008 (P.L. 110-252), commonly referred to as the "New GI Bill," which provides educational assistance for members of the U.S. armed forces who serve after September 11, 2001. This requirement applies notwithstanding the fact that the veteran or dependent may be entitled to educational assistance under the federal Montgomery GI Bill Act of 1984 or the federal Survivors' and Dependents' Educational Assistance Program (collectively referred to as the "Old GI Bill") as well as under the New GI Bill. For a veteran or dependent who is entitled to educational assistance under both the Old GI Bill and the New GI Bill, if the amount of educational assistance, other than educational assistance for tuition, to which the veteran or dependent is entitled under the Old GI Bill is greater than the amount of educational assistance, other than educational assistance for tuition, to which the veteran or dependent is entitled under the New GI Bill, the Higher Educational Aids Board ^(HEAB) must reimburse the veteran or dependent for the difference in those amounts of educational assistance.

EDUCATION

HEAB must award

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, HEAB awards various grants to resident students for higher education, including, beginning in the 2011-12 academic year, Wisconsin covenant scholar grants to resident students who are ^{undergraduates} enrolled at least half time and registered as freshmen, sophomores, juniors, or seniors in ^{at nonprofit} public or private nonprofit, accredited institutions of higher education or ^{at} (in) tribally controlled colleges in this state. Current law requires HEAB to promulgate rules to implement that grant program. This bill requires a student to be designated as a Wisconsin covenant scholar by the Office of the Wisconsin Covenant Scholars Program in DOA (office) in order to be eligible for a Wisconsin covenant scholar grant. This bill also requires DOA, rather than HEAB, to promulgate rules to implement the grant program and requires those rules to include rules establishing eligibility criteria for designation as a Wisconsin covenant scholar. In addition, the bill requires DPI (to the extent permitted under the federal Family Educational Rights and Privacy Act, to provide pupil information to the office as necessary for the office to fulfill its role in the administration of the grant program.

*** ANALYSIS FROM -0294/1 ***

EDUCATION**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, Higher Educational Aids Board (HEAB) awards Wisconsin higher education grants (WHEG grants) to undergraduates enrolled at least half time at nonprofit public institutions of higher education or tribally controlled colleges in this state. Currently, a WHEG grant may not exceed \$3,000 for an academic year. This bill permits HEAB to establish the maximum amount of a WHEG grant, but prohibits HEAB from increasing that maximum amount unless HEAB determines that as many students will be awarded WHEG grants in the current academic year as in the previous academic year.

***** ANALYSIS FROM -1293/3 *******EDUCATION****HIGHER EDUCATION**

Under current law, the Higher Educational Aids Board (HEAB) awards Wisconsin higher education grants to undergraduates enrolled in nonprofit public institutions of higher education or tribally controlled colleges in this state. This bill funds those grants in fiscal year 2009-10 in part from moneys received by the UW System for auxiliary enterprises, such as dining halls and parking facilities.

no #
The

***** ANALYSIS FROM -1687/2 *******EDUCATION****OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Current law requires the Higher Educational Aids Board (HEAB) to contract with a private nonprofit institution of higher education in this state that operates an

- 85 -
 doctor of dental surgery (D.D.S.) student at the
 Marquette University Dental School. Current law caps

accredited dental school (Marquette University Dental School) for the provision of dental education services for residents of this state who are enrolled as full-time students in the pursuit of a doctor of dental surgery (D.D.S.) degree. Currently,

HEAB must distribute \$8,753 in each fiscal year to the Marquette University Dental

School for each resident student who is enrolled full-time in the pursuit of a D.D.S.

degree, and the number of resident students who may be funded by HEAB is capped

at 160.

that disbursement This bill, beginning in fiscal year 2010-11, eliminates the dental education

contract and instead creates a loan program, to be administered by HEAB, to defray

the cost of tuition, fees, and expenses for resident students who are enrolled full-time

in a program leading to a D.D.S. degree at the Marquette University Dental School.

The maximum amount of a loan for a resident, full-time student during a fiscal year

is \$8,753, and the maximum number of resident students who may receive a loan is

160 in each fiscal year. Under the bill, a loan recipient must agree that after he or

she has completed his or her program of study 20 percent of the loan recipient's

patient encounters as a dentist will be with residents of this state who are recipients

of Medical Assistance. That patient encounter obligation continues for the same

number of years that the loan recipient received a loan. The bill requires HEAB to

g forgive one
forgive the principal and interest of one fiscal year's loan after each full year that the recipient fulfills that patient encounter obligation.

*** ANALYSIS FROM -1840/1 ***

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Current law requires the Higher Educational Aids Board [HEAB] to establish plans to be administered by HEAB for participation by this state under any federal acts relating to higher education. This bill requires HEAB to obtain the approval of DOA before HEAB may expend any discretionary federal economic stimulus funds for any higher education capital or modernization project.

*** ANALYSIS FROM -0669/1 ***

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

DOA administers an
Under current law, certain educational agencies, such as school districts, private schools, technical college districts, private colleges, and public library systems, may participate in the Educational Telecommunications Access Program, under which DOA provides or contracts for the provision of Internet access to the educational agencies. Currently, an educational agency that is provided with a data line for Internet access under the program may not provide access to the data line to any business entity that is operated for profit. This bill permits an educational agency to provide access to a data line provided under the program to a business entity if: 1) the business entity is broadcasting an event sponsored by the educational

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nwn

agency; 2) the business entity has the permission of the educational agency to record and broadcast the event; and 3) the business entity reimburses DOA for its proportionate share of the cost of the data line used to broadcast the event.

*** ANALYSIS FROM -0778/1 ***

EMINENT DOMAIN

Currently, whenever an entity with the power of condemnation seeks to acquire property by condemnation, it must provide the property owner with an appraisal of the property and pay for the owner to acquire his or her own appraisal. This bill provides that, if the property is being acquired for sewers or transportation facilities, the owner may use an appraisal prepared by the owner or condemnor during the period preceding negotiations in any subsequent appeal only if the appraisal was provided to the other party during that period.

Currently, if a property owner agrees voluntarily to convey the property to the condemnor at an agreed-upon price, the owner has the right, within six months, to appeal the issue of the amount of compensation paid by the condemnor. This bill eliminates this right for owners whose property is being acquired for sewers or transportation facilities. The bill does not eliminate the owner's right to appeal the amount of compensation within two years if his or her property is condemned.

Currently, a property owner who on appeal is awarded more in just compensation than was offered by the condemnor is entitled to litigation expenses,

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mwn

including reasonable attorney fees, if the award exceeds the offer by at least \$700 and at least 15 percent. This bill provides that, in such a case, the amount of attorney fees included in litigation expenses may not exceed one-third of the difference between the offer and the award, except that if one-third of that difference is less than \$5,000, the amount of attorney fees included in litigation expenses may not exceed \$5,000.

*** ANALYSIS FROM -0777/1 ***

EMINENT DOMAIN

Currently, a person displaced by the acquisition of property by an entity that is vested with the power of condemnation is entitled to certain benefits from the condemnor, including relocation assistance, assistance in the acquisition of replacement housing, and moving expenses. The person must file a claim for such benefits within two years of being displaced. If the claim is not allowed within 90 days, the claimant may file an appeal in circuit court. Currently, there is no deadline for filing an appeal.

(mwn) This bill provides that the claimant must file the appeal within two years.

*** ANALYSIS FROM -1691/1 ***

EMINENT DOMAIN

Under current law, Commerce may make investigations to determine whether a condemnor is complying with the laws relating to relocation benefits and may seek an order from a circuit court requiring compliance with those laws or discontinuance

of work on that part of the project that is not in compliance. This bill eliminates this authority.

Currently, a person displaced by the acquisition of property by a condemnor may petition Commerce for review of his or her complaint. Commerce may attempt to negotiate an acceptable solution with the condemnor. This bill eliminates these provisions.

Current law directs the attorney general, at the request of Commerce, to prosecute all necessary actions or proceedings for the enforcement of the laws relating to relocation benefits. This bill eliminates this directive.

Analysis by the Legislative Reference Bureau


*** ANALYSIS FROM -0508/7 ***

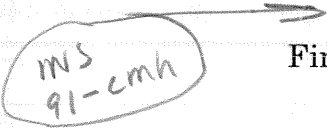
EMPLOYMENT

Under current law, in local government employment other than law enforcement and fire fighting employment, if a dispute relating to the terms of a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin Employment Relations Commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and conditions of employment. An arbitrator must adopt

the final offer of one of the parties on all disputed issues, which is then incorporated into the collective bargaining agreement.


This process does not apply, however, to a dispute over economic issues involving a collective bargaining unit consisting of school district professional employees if WERC determines, subsequent to an investigation, that the employer has submitted a qualified economic offer (QEO). A QEO consists of a proposal to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and the employees' existing fringe benefits and to provide for an annual average salary increase having a cost to the employer at least equal to 2.1 percent of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit plus any fringe benefit savings. Fringe benefit savings is that amount, if any, by which 1.7 percent of the total compensation and fringe benefit costs for all municipal employees in a collective bargaining unit for any 12-month period covered by a proposed collective bargaining agreement exceeds the increased cost required to maintain the percentage contribution by the municipal employer to the municipal employees' existing fringe benefit costs and to maintain all fringe benefits provided to the municipal employees. This bill eliminates the QEO exception from the compulsory, final, and binding arbitration process.

 Under current law, school district professional employees must be placed in a collective bargaining unit that is separate from the units of other school district employees. This bill eliminates this requirement.

 Finally, the bill eliminates a 3.8 percent cap imposed on salary and fringe benefit annual cost increases for all nonrepresented professional school district employees.

***** ANALYSIS FROM -1500/P5 *****

EMPLOYMENT

 Under current law, faculty and academic staff of the UW System do not have collective bargaining rights under the State Employment Labor Relations Act (SELRA). This bill provides faculty and academic staff of the UW System collective bargaining rights under state law in a manner similar to that provided other state employees under SELRA.

This bill provides all UW System academic staff and all faculty, including specifically faculty who are supervisors or managers, with the right to collectively bargain over wages, hours, and conditions of employment. Collective bargaining units are structured with separate units for faculty at UW-Madison, at UW-Milwaukee, and at each of the UW System campuses and for academic staff at UW-Madison, at UW-Milwaukee, and at each of the UW System campuses. The bill also provides that, if the employees approve by vote, any two or more units for faculty

may be combined into a single unit and any two or more units for academic staff may be combined into a single unit. Representatives for each unit are chosen by election.

Unfair labor practices for UW System academic staff and faculty collective bargaining are generally the same as those under SELRA, except that the bill specifically provides that it is not an unfair labor practice for the Board of Regents of the UW System to implement changes in salaries or conditions of employment for members of the faculty or academic staff at one UW institution and not for such persons at other UW institutions if certain conditions are met. The bill specifically authorizes fair-share and maintenance of membership agreements for UW academic staff and faculty collective bargaining, as is the case under SELRA. The bill also prohibits strikes.

Under the bill, the subjects of collective bargaining are the same as under SELRA, except that collective bargaining is prohibited on the mission and goals of the Board of Regents of the UW System; the diminution of the right of tenure provided faculty; the rights granted faculty and academic staff under current law; and academic freedom. Finally, under the bill, collective bargaining agreements covering UW faculty and academic staff must be approved by the Joint Committee on Employment Relations and adopted by the legislature.

***** ANALYSIS FROM -1339/2 *****

EMPLOYMENT

Under the current prevailing wage law, certain laborers, workers, mechanics, and truck drivers employed on a state or local project of public works must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located, as determined by DWD, and may not be required or permitted to work a greater number of hours per day and per week than the prevailing hours of labor, that is, no more than ten hours per day and 40 hours per week, unless they are paid 1.5 times their basic rate of pay (overtime pay) for all hours worked in excess of ^{those} ~~the~~ prevailing hours of labor. Currently, the prevailing wage law does not apply to a multiple-trade public works project whose estimated cost of completion is less than \$234,000 or to a single-trade public works project whose estimated cost of completion is less than \$48,000. DWD adjusts those amounts annually based on changes in construction costs.

This bill requires all laborers, workers, mechanics, and truck drivers working ^{employed on} on the site of a publicly funded private construction project to be paid not less than the prevailing wage rate and to be paid overtime pay for all hours worked in excess of the prevailing hours of labor. The bill defines a "publicly funded private construction project" as a construction project, other than a project of public works, that receives financial assistance from a local governmental unit and "financial assistance" as any grant, cooperative agreement, loan, contract, or any other

any grant, cooperative agreement, loan, contract, or any other

arrangement by which a local governmental unit provides or otherwise makes available assistance in any of the following forms:

1. Funding.
2. A transfer or lease of real or personal property of the local governmental unit or of any interest in or permission to use that property for less than fair market value or for reduced consideration.
3. Proceeds from a subsequent transfer or lease of real or personal property transferred or leased from the local governmental unit, if the local governmental unit's share of the fair market value of the property is not returned to the local governmental unit.
4. A redevelopment contract, economic development agreement, industrial development revenue agreement, contract for the development or redevelopment of a tax incremental district or a blighted area, or assistance provided to develop, redevelopment, maintain, operate, or promote a business improvement district.

The bill also
This bill sets the threshold for applicability of the prevailing wage law at an estimated cost of project completion of \$2,000, regardless of whether the project is a single-trade project or a multiple-trade project, and eliminates the authority of DWD to adjust that threshold.

Current law requires each contractor, subcontractor, and agent performing work on a project that is subject to the prevailing wage law to keep records indicating the name and trade or occupation of every person performing work that is subject to the prevailing wage law and an accurate record of the number of hours worked by each of those persons and the actual wages paid for those hours worked. This bill requires a contractor, subcontractor, or agent performing work on a project that is subject to the prevailing wage law to submit, on a weekly basis, a certified record of that information for the preceding week to the local governmental unit, state agency, or private owner or developer authorizing the work.

Under current
law, DWD must,
on request,

Current law requires DWD, if requested by any person, to inspect the payroll records of any contractor, subcontractor, or agent performing work on a project that

is subject to the prevailing wage law to ensure compliance with that law. If the

contractor, subcontractor, or agent is found to be in compliance with that law and if

the person making the request is a person performing work that is subject to that law,

DWD must charge the person the actual cost of the inspection. If the contractor,

subcontractor, or agent is found to be in compliance with that law and if the person

making the request is not a person performing work that is subject to that law, DWD

must charge the person \$250 or the actual cost of the inspection, whichever is greater.

This bill requires DWD to charge a person making a request for the inspection of

requester for the

cost of such an

requester

those payroll records only if DWD finds that the contractor, subcontractor, or agent is in compliance with that law and that the request is frivolous. In order to find that a request is frivolous, DWD must find that the person making the request made the

request ^{was made} in bad faith, solely for the purpose of harassing or maliciously injuring the contractor, subcontractor, or agent, or that the person making the request ^{if the requester knew} knew, or should have known, that there was no reasonable basis for believing that a violation of the prevailing wage law had been committed.

*** ANALYSIS FROM -1800/1 ***

EMPLOYMENT

Under current law, a person who believes that he or she has been discriminated

against in employment, housing, or the full and equal enjoyment of a public place of accommodation; that his or her employer has violated the family and medical leave law; that he or she has been retaliated against ^{a complaint alleging a violation of} for disclosing information ^{a complaint alleging retaliation}

demonstrating mismanagement or abuse of authority in state or local government

(commonly referred to as "the whistleblower law") or that he or she has been

discriminated against ^{or a complaint alleging discrimination} for exercising any right relating to public employee

occupational safety and health may file a complaint (complaint) with DWD, and

DWD must investigate the complaint to determine whether there is probable cause

to believe that a violation occurred (probable cause). Under current DWD rules, if

DWD determines that there is ^{finds} no probable cause, DWD must dismiss the complaint

and the complainant may request a hearing on the issue of probable cause before an administrative law judge. *a hearing examiner*

and instead provides that the finding of no probable cause
This bill eliminates the right of a complainant whose complaint is dismissed for lack of probable cause to request a hearing on the issue of probable cause before an administrative law judge. Under the bill, if DWD determines that there is no probable cause and dismisses a complaint, the order of dismissal is the final decision of DWD, which may be appealed to the circuit court. *to*

***** ANALYSIS FROM -1307/1 *****

Under current law, for property tax purposes, agricultural land is land that is devoted primarily to agricultural use, as defined by the Department of Revenue by rule. Under this bill, agricultural land does not include land that is platted and zoned for residential, commercial, or industrial use.

***** ANALYSIS FROM -1629/1 *****

EMPLOYMENT

Insert -1308 Egm
Under current law, DOJ is required to defend claims against the work injury supplemental benefit (WISB) fund, which is a fund that is used to pay supplemental worker's compensation to employees with permanent total disability, additional death benefits to the children of a deceased employee, additional worker's compensation to an employee with permanent partial disability who incurs further permanent disability, and worker's compensation when *there is no adequate remedy for* an otherwise meritorious claim for occupational disease is barred by the statute of limitations, when the status

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or existence of the employer or insurer cannot be determined, or when there is otherwise no adequate remedy. DOJ is also required to prosecute claims for payment into the WISB fund against an employer when an injury results in death or in the loss or total impairment of a ^{a limb} hand, arm, foot, leg, or eye or when a minor is injured while working without a work permit or in prohibited employment. This bill permits DWD to retain DOA or an insurance service organization, in addition to DOJ, to prosecute or defend claims for payment into or out of the WISB fund, except that under the bill DOJ must continue to appear on behalf of the state in administrative hearings or court proceedings on such claims.

*** ANALYSIS FROM -0417/2 ***

EMPLOYMENT

Currently, DWD operates an employment service ^{, funded with federal revenue,} that assists unemployed individuals in finding suitable employment. ~~This program is funded with federal revenue.~~ In addition, the federal government provides special grants to this state that may be used for the purpose of unemployment insurance (UI) administration, for the payment of UI benefits, or for certain other purposes.

^{NCA} This bill permits the employment service program to be funded, in addition, from ^{that would otherwise be available to finance} the special federal grants. ^{unemployment insurance (UI) benefits} The change potentially increases the liability of employers to finance UI benefits through contributions (taxes).

*** ANALYSIS FROM -1499/1 ***

ENVIRONMENT

RCT
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WATER use ← (CS)

In 2007 Wisconsin Act 227 (the act), which took effect on June 11, 2008, this state ratified the Great Lakes—St. Lawrence River Basin Water Resources Compact (the compact) and established provisions for implementing the compact in this state.

The compact relates to the withdrawal and use of groundwater and surface water from the watersheds of the Great Lakes and the St. Lawrence River (the Great Lakes basin). Among numerous other requirements, the compact requires each participating state to regulate new and increased withdrawals of water from the Great Lakes basin beginning no later than five years after the compact takes effect.

The implementation provisions in the act were predicated on the assumption that the compact would not take effect for several years. For example, the act required DNR to promulgate rules in order to implement various provisions in the act. The rules had not been promulgated by February 1, 2009. In fact, the compact ^{actually} took effect on December 8, 2008, following ratification by all of the Great Lakes states and consent by Congress.

The implementation provisions in the act included a statute that only applied before the compact took effect. Many of the provisions in that statute had not been implemented when the compact took effect. ^{For example} That statute contains a provision that generally would have prohibited a person from making a withdrawal of water from

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the Great Lakes basin that averages more than 100,000 gallons per day in any 30-day period after May 31, 2015, unless the withdrawal was covered by a permit from DNR. The statute also contains a provision that would have required DNR, no later than June 1, 2015, to automatically issue permits to cover withdrawals of water from the Great Lakes basin that, as of June 1, 2011, averaged more than 100,000 gallons per day in any 30-day period. No permits were issued under this statute.

The implementation provisions in the act also include a statute that took effect when the compact took effect. This statute, currently in effect, generally prohibits a person from making a withdrawal of water from the Great Lakes basin that averages more than 100,000 gallons per day in any 30-day period unless the withdrawal is covered by a permit from DNR or an interim approval. A withdrawal is considered to have ^{has} an interim approval if the person making the withdrawal registered the withdrawal with DNR before the compact's ^{took effect} effective date. The statute requires that DNR, no later than one year after the compact's ^{took effect} effective date, automatically issue permits that cover withdrawals with interim approvals.

This bill delays to December 8, 2011, the ^{permit requirement for} prohibition on making a withdrawal ^{that} of water from the Great Lakes basin that averages more than 100,000 gallons per day in any 30-day period unless the withdrawal is covered by a permit from DNR or an interim approval. It also delays until that date the requirement that DNR